

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

August 5, 2004

A regular meeting of the Kentucky Board of Licensure for Private Investigators was held at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY, on Thursday, August 5, 2004.

MEMBERS PRESENT

Neil J. Alioto, Vice Chair
William T. Cravens, Secretary-Treasurer
Rodney Coffey
Jim Ringo

OCCUPATIONS & PROFESSIONS STAFF

John C. Parrish, Executive Director
Lisa Smith Shelley, Board Administrator
Susan Ellis, Fiscal Section Supervisor

MEMBERS ABSENT

Richard Dotson, Chairman
Stephen L. Tackett
Marcus Ray

OTHERS PRESENT

Diane Schuler Fleming, Assistant Attorney General
Tim Collins, Kentucky Auto Recovery Service, Inc.
B. Jeff Queen, Imperial Recovery Agency, Inc.
Ron Athey, Imperial Recovery Agency, Inc.
Frank Corolla, River City Adjustments, Inc.

OATH OF OFFICE

Ms. Shelley administered the Oath of Office to new board member Mr. Rodney Coffey and welcomed him to the board.

CALL TO ORDER

Mr. Alioto called the meeting to order at 1:05 p.m.

APPROVAL OF MINUTES

Mr. Cravens moved to approve the minutes of the May 6, 2004, regular meeting. Mr. Ringo seconded the motion. The motion carried.

FINANCIAL STATEMENT

Ms. Ellis informed the members of the new state travel regulations and distributed materials relating to the new procedures. Mr. Ringo moved to approve the financial statements as presented. Mr. Cravens seconded the motion. The motion carried.

EXECUTIVE DIRECTOR'S REPORT

Mr. Parrish introduced himself to all members and shared a brief personal history. Mr. Parrish shared a notification received from the Executive Branch Ethics Commission regarding the establishment of a Code of Ethics for licensure board members. Mr. Parrish recommended the members review the documentation and discuss it at the next meeting.

ATTORNEY'S REPORT

Ms. Fleming advised the board that after a review of the administrative regulations, the only official regulations relate to fees and the examination. Ms. Fleming stated that an administrative regulation relating to a Code of Ethics; Administrative Hearing Process, License Renewal and Reinstatement, and the Application Process must be completed and filed with the Legislative Research Commission. Mr. Alioto requested that Ms. Fleming and Mr. Ringo prepare draft regulations and present to the board at the next meeting.

OLD BUSINESS

Reciprocal Agreement with Tennessee

Upon a motion by Mr. Cravens and seconded by Mr. Ringo, the Reciprocal Agreement with the Tennessee Private Investigation and Polygraph Commission was approved. The Tennessee Commission approved the agreement on June 11, 2004. The motion carried.

Cyber Agents, Inc.

The board reviewed correspondence submitted by Mr. Eric Lakes with Cyber Agents, Inc. outlining the activities of the company relating to private investigating. Ms. Fleming recommended that a letter be sent to Mr. Lakes stating more specific

information better describing the activities and actions of the company was required before a determination regarding licensure could be made. The board reached a consensus to accept Ms. Fleming's recommendation.

CORRESPONDENCE

SRB Insurance Consultants, Cincinnati, Ohio

The board reviewed correspondence from Mr. Robert Schuele stating the company meets the exemption from licensure outlined in KRS 329A.070 (5). The board requested Ms. Fleming contact the Kentucky Department of Insurance to obtain information relating to the licensure requirements of insurance adjusters located outside Kentucky but operating in the Commonwealth before a final determination of the exemption can be made.

Mark C. Mabrey & Associates, Inc., Evansville, Indiana

The board reviewed correspondence submitted by Mr. Mabrey relating to activities his company representatives have engaged in within the Commonwealth of Kentucky recently. Mr. Mabrey stated he does not wish to have any appearance of impropriety and therefore, requests an application packet be submitted to his attention.

KOI Auto Recovery, Sparta, Kentucky

The board reviewed the correspondence submitted by Mr. Jason Miller requesting an exemption from licensure. The board tabled this matter pending further discussion.

American Locators & Recovery, Inc., Nashville, Tennessee

The board reviewed the correspondence submitted by Mr. Ray Crocker requesting an exemption from licensure and requesting answers to several questions relating to the regulation of repossession agents in Kentucky. The board tabled this matter pending further discussion.

APPLICATION REVIEW COMMITTEE

Mr. Cravens moved the committee report regarding the review of private investigator and private investigating company applications on the attached list and additional applications as follows: Approve for licensure meeting the Grandfather Provision: **David Bellis and Stephen Smith** – Approve to sit for the examination pending receipt of additional required documentation: **Herbert "Tony" Warman, Jr.; Robert Purvis; Perry Paine; Kevin Humbert; and Denise Best** – Approve for licensure pending receipt of additional required documentation: **Dean Suposs; Johnny Sizemore; Robert Siebel; Robert Plunkett, II; and Dennis Dearen** – Defer application submitted by **John F. Hony** pending further review of criminal history background reports – Deny application submitted by **Marcus Ray** due to non-compliance of the application process, and pursuant to KRS 329A.020 (3) as evidenced by the criminal history background report. Mr. Coffey seconded the motion. The motion carried.

TRAVEL AND PER DIEM

Mr. Ringo moved to approve travel and per diem for eligible members attending today's meeting. Mr. Cravens seconded the motion. The motion carried.

ADDITIONAL BUSINESS

Mr. Cravens amended his motion to include the following application review report:

Ginger Rogers-Stone – Deny due to non-compliance relative to completing the application process

Richard Powers, II – Deny for non-compliance relative to completing the application process

James Mitchell – Deny for non-compliance relative to completing the application process

Timothy Dillman – Approved to sit for the examination pending receipt of a certificate of insurance; and letter of sponsorship from company

Jerri Carver – Approved to sit for the examination pending receipt of a certificate of insurance

Mr. Ringo seconded the motion. The motion carried.

Mr. Alioto allowed the visitors present to share their comments with the board. Mr. Ron Athey discussed the board's determination that the activities of repossession agents/companies meet the definition of private investigating as outlined in KRS 329A.010. Mr. Cravens moved to delay issuing licenses to applicants approved for licensure at today's meeting pending the board's further review of the necessity to regulate individuals in the repossession profession and to authorize Ms. Shelley to send correspondence stating this to each applicant and any other interested parties. Mr. Ringo seconded the motion. The motion carried.

EXECUTIVE SESSION

Upon a motion by Mr. Cravens and seconded by Mr. Ringo, the board entered into Executive Session at 2:45 p.m.

REGULAR SESSION

Upon a motion by Mr. Ringo and seconded by Mr. Coffey, the board returned to regular session at 3:10 p.m.

Application Review

Mr. Cravens moved to authorize Mr. Parrish to contact the Governor's Office with the board's recommendation that Mr. Marcus Ray be replaced as a board member representing private investigators due to his inability to obtain licensure as a private investigator and therefore, is unable to meet the qualifications for this board position. Mr. Coffey seconded the motion. The motion carried.

Mr. Cravens moved to recommend the application for licensure as submitted by Mr. Robert Hubbard be approved with conditions and to authorize Ms. Fleming to draft an Agreed Order containing the conditions for licensure and forward it to Mr. Hubbard for his consideration. Mr. Ringo seconded the motion. The motion carried.

NEXT MEETING DATE

Mr. Alioto stated that the next board meeting date is scheduled for Thursday, September 2, 2004.

ADJOURNMENT

Having no further business to be brought before the board, Mr. Cravens moved to adjourn the meeting. Mr. Ringo seconded the motion. The motion carried and the meeting adjourned the meeting at 3:30 p.m.



Approved